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09/709789

APPLICATION NO. 09/709789	FILING DATE 11/08/00	FIRST NAMED INVENTOR SELLGREN	ATTORNEY DOCKET NO. R 2567.010502
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024113
PATTERSON, THUENTE, SKAAR & CHRISTENSEN,
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

QM02/0829

EXAMINER FASTOVSKY, L

ART UNIT 3742	PAPER NUMBER
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DATE MAILED: 08/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/709,789

Applicant(s)

SELLGREN ET AL.

Examiner

Leonid M Fastovsky

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the inner insulated bladder 32 is listed as "30" (Page 9, line 18).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by Ohashi et al (5,414,241).

Ohashi discloses a fogless mirror shower assembly (Figures 1-8), the mirror assembly comprising a mirror 17 a heater pad 3 adjoined to a back surface of the mirror, the heater pad including one or more heating elements 4, a moisture resistant insulation assembly 10, and a water resistant electrical assembly including one or more moisture insulated conductor wires 9 operably adjoined to the heating element and a power supply.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi in view of Duchateau et al (4,422,893).

Ohashi discloses substantially the claimed features except a mirror comprising transparent substrate and reflective coating. Duchateau shows a mirror having a transparent substrate 1 and a reflective coating 2 (Fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a mirror having a transparent substrate and reflective coating as taught by Duchateau to prolong use of the fogless mirror.

6. Claims 3-5 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi in view of Kamis (4,665,281) and further in view of Bogdanov et al (3,959,6220).

Ohashi discloses substantially the claimed features except two or more water resistant layers being fused and having a material selected from silicone or fiberglass. Kamis shows layers 54 and 55 (Fig. 3) being fused around the heating element 51, and the layers having fiberglass material. Bogdanov shows an insulating layer made out of silicone rubber (Col. 2, lines 58-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use fused insulation layers made

out of fiberglass as taught by Kamis, and use silicone rubber for insulation layers as taught by Bogdanov to protect the heating element from moisture.

7. Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi in view of Motokawa et al (3,859,504).

Ohashi discloses substantially the claimed features except an insulation assembly that includes one or more bladders which encloses a heating element. Motokawa shows bladders 2,2',4,4', and 5,5' (Fig.2) which enclose the heating element 1, and the outer bladders 5,5' that enclose inner bladders 2,2' and 4,4'. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use bladders as taught by Motokawa to protect the heating element from moisture.

8. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi in view of Matson (6,147,333).

Ohashi discloses substantially the claimed features except male and female connectors. Matson shows male and female connectors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use male and female connectors as taught by Matson to create a continuous electrical connection.

9. Claims 9-10 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi in view of Feldman et al (5,380,981).

Ohashi discloses substantially the claimed features except a transformer and a light switch. Feldman shows a transformer (Col. 3, lines 20-21) and a light switch

Art Unit: 3742

(Col.2, lines 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a transformer and a light switch as taught by Feldman to diversify usage of the fogless mirror.

10. Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi in view of Kamis and further in view of Spiller (6,036,333).

Ohashi in view of Kamis discloses substantially the claimed features except a power supply to the fogless mirror initiated by a water faucet. Spiller shows a power supply initiated by a water faucet (Col. 1, lines 11-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a water faucet arrangement as taught by Spiller to heat a fogless mirror.

11. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi in view of Kamis and further in view of Mischel, Jr. (5,408,069).

Ohashi in view of Kamis discloses substantially the claimed features except the method of installing the fogless mirror. Mischell, Jr. teaches a method of installing the fogless mirror. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a method of installing the fogless mirror as taught by Mischel, Jr. to insure the proper installation of the fogless mirror.

Art Unit: 3742

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Fastovsky whose telephone number is (703)306-5482. The examiner can normally be reached on Monday-Thursday (7:30-6:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7764 for regular communications and (703)308-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

lmf
August 27, 2001

Art Unit 3742

Leonid Fastovsky


Teresa Walberg
Supervisory Patent Examiner
Group 3700
8/28/01

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.